

### **REMARKS**

In paragraph 4 on page 2 of the Office Action, Claim 21 is rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

In paragraph 7 on page 3 of the Office Action, Claims 1-7, 9-17 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Smart et al. (Smart), US 2003/0208691.

In paragraph 21 on page 9 of the Office Action, Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smart et al. (Smart), US 2003/0208691, in view of Logan et al. (Logan), US 6,493,680.

The Examiner in paragraph 4 of the Official Action rejected claim 21 under 35 U.S.C. 101 for the reasons set forth therein. Applicant respectfully submits that claim 21 as amended overcomes the objections set forth by the Examiner. In particular, claim 21 sets forth that the computer program has instructions such when loaded on to a computer and executed on said computer, it will provide custom offerings for digital photo services over a communication network among a plurality of photo service providers from an order terminal as described by the step set forth therein. In view of the foregoing, applicants respectfully submits that the claim in this present form is in appropriate condition and meets the requirements of 35 U.S.C. 101.

The Examiner in paragraph 7 of the Official Action rejected claims 1-7, 9-17, and 19-21 under 35 U.S.C. 102(e) as being anticipated by Smart (US 2003/0208691) for reasons set forth therein.

Applicants respectfully submit that the Smart reference does not teach or suggest the invention as set forth by applicants. In particular, independent claims 1, 10, and 21 all include the limitation of providing digital images on a digital storage device and the digital storage device being associated with one of a plurality of business entities. A memory storage device is exemplified by a picture CD and memory card 195. (See page 23, lines 19 through page 24). Thus, it can be seen that a digital storage device as claimed is a physical object onto which digital images are stored. No such storage device is disclosed in Smart. These digital storage devices are associated with a business entity, such as illustrated in Figure 7. The Examiner refers to paragraph 0116;

table 1 and paragraphs 0095-0101 and paragraph 0170-0171 of Smart. With respect to paragraph 0116 of Smart, this paragraph is directed to how many options exist for how a device or service or a consulted discovery or directory service may select a suitable intermediate service or services. There is no teaching or suggestion of maintaining business relationships, or the association with particular digital imaging media storage devices with one of the business entities. In fact, paragraph 0118 establishes that the foregoing description relates to establishment of direct communication between an initiating device such as a camera and a target device being a printer. Clearly this passage is of little relevance to the present invention. With regard to paragraphs 95-101, this is merely directed as to how various service descriptions may be listed and be used by a browser and identifies the state of the service, i.e. printer. See paragraph 0107. Paragraphs 0170-0171 merely illustrates the profile matching of a service with respect to the camera. The print shop service is set forth at page 15 in paragraph 170. The print shop service 508 having established profile matching, thereby determines that the services by the camera are feasible and then establishes communication. These two paragraphs simply set forth how a particular service can be provided with regard to the needs and requirements of a particular source.

The Smart reference can be distinguished from the present invention. The Smart reference does not teach or suggest maintaining information with respect to business relationships between photo service providers and a plurality of business entities, Nor does Smart teach or suggest the providing of digital images in a storage media device wherein the storage media device is associated with one of a plurality of business entities and further providing offerings to the display requesting such services based on said relationship associated with said digital storage device.

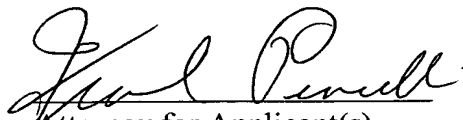
The Examiner also rejected claims 8 and 18 under 35 U.S.C. 103(a) as being unpatentable over Smart, et al, in view of Logan et al (US 6,493,680). Dependent claims 8 and 18 depend at least ultimately upon independent claims 1 and 10 respectively. The Logan et al reference does not add anything which would render independent claims 1 and 10 obvious. Accordingly applicant respectfully submits that claims 8 and 18 are patentably distinct, at least for the same reasons previously discussed with regard to Smart et al.

The Examiner in paragraph 26 points out that since applicants do not explicitly define business relationship in the specification, Examiner interprets business relationship between two parties, i.e. requestor and service provider. Thus, the print shop service of Smart offers a business relationship between the requestor and service provider. In this regard, applicants respectfully submit that the business relationship must be interpreted in light of the specification. It is quite clear from the specification, what business relationship means in the present application is different from what is disclosed in Smart. In particular, reference is made to page 14, line 21 through page 16, line 8 of the present application. As can be clearly seen from these passages, a business relationship according to the present invention is a previously established relationship between the business entities and providers. These business relationships can be friendly, neutral, or hostile (see page 16, line 5). As is further set forth at page 17, the established business rules and relationships can effect how many different service providers should be listed and whether the order in which they are listed should be based on physical location, price, or other criteria (see page 16, lines 8-13). There is no teaching or suggestion of predefining business relationships between the various business entities and service providers as taught and claimed by applicant nor that the particular custom offering will be based on these business relationships.

Accordingly, applicant respectfully submits that there is appropriate understanding of the business relationship when read in light of the specification and that the Smart et al reference does not teach or suggest the providing of custom offerings based on these prior established relationships.

In view of the foregoing applicants respectfully submit that the claims in the present form are in condition for allowance and that such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicant(s)

Registration No. 27,370

Frank Pincelli/jpc  
Rochester, NY 14650  
Telephone: 585-722-3335  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.